



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

March 4, 2021

By ECF

Honorable Paul A. Crotty
United States District Judge
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, NY 10007

Re: *United States v. Tagliaferro, et al.*, 19 Cr. 472 (PAC)

Dear Judge Crotty:

As the Court is aware, the defendant has requested certain information related to the composition of the petit jury venire to be used in this case, as well as other in other cases in which trials have been held during the COVID-19 pandemic. (*See* Dkt. 75, 99, 105). This Court has ordered the Clerk of Court, via the Southern District of New York's Jury Administrator, to provide those records, and it has done so. (Dkt. 84, 100, 117). The parties have reviewed the records that have been produced and wish to pose certain question to the Jury Administrator in order to better understand certain aspects of the data that has been produced. The parties therefore respectfully request that the Court order the Jury Administrator to provide brief written responses to the questions listed below.

The spreadsheets containing the data for each pool of jurors summonsed contain a "status" column, with a status code indicated for each juror. With respect to the following status codes, the parties respectfully ask the following:

1. Deferred

- a. The parties understand this status code to mean that the juror was not required to appear for jury service on the date indicated in the summons, but was instead permitted to appear on a later date. Is this correct?
- b. Does this entry correspond only to jurors who were deferred based on their responses to Questions 1-8 of the SDNY's "Supplemental Juror Questionnaire," which is attached as Exhibit A for reference, or does it also include jurors who appeared for jury service but had their service deferred for some other reason?

2. Excused

- a. The parties understand this status code to mean that the juror was not required to appear for jury service on the date indicated in the summons, and was not required to instead appear on a later date. Is this correct?
- b. Does this entry correspond only to jurors who were excused based on their

responses to Question 9 of the Supplemental Juror Questionnaire, or does it also include jurors who appeared for jury service but had their service excused for some other reason?

3. Juror

- a. The parties understand this status code to mean that the juror was ultimately selected to serve on the jury for the particular trial. Is this correct? Are alternates included?
- b. Why are there only 10 jurors listed for *Collins*, 19 Cr. 395 (PKC)? We believe there were 12 jurors and 4 alternates.
- c. If alternates are included, why are there only 12 jurors listed for *Petit*, 19 Cr. 850 (JSR)? We believe there were 12 jurors and 4 alternates.
- d. Why are there 17 jurors listed for *LaGuardia*, 19 Cr. 893 (LAK)? We believe there were 12 jurors and 4 alternates.
- e. Why are there 12 jurors listed for *McClam*, 17 Cr. 596 (GBD)? We believe the trial was adjourned before any jurors were selected.

4. Pool

- a. What does this status code mean?
- b. Why does it appear in some but not all spreadsheets? (It appears in *Petit* and *LaGuardia*, but not *Collins*.)

5. Panel

- a. What does this status code mean?
- b. Why does it appear in some but not all spreadsheets? (It appears in *Collins*, but not *Petit* or *LaGuardia*.)

6. Responded

- a. What does this status code mean?
- b. Is this code exclusive of the other codes? That is, are there jurors indicated here as “responded” who were then excused, deferred, etc.?

Respectfully submitted,

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cc: Counsel of Record (via ECF)